

UNITED STATES DISTRICT COURT

DISTRICT OF NEW MEXICO

Clerk's Minutes

**Before the Honorable James O. Browning**

**CASE NO.** CIV 07-901 JB

**DATE:** July 17, 2009

**TITLE:** *Rodriguez, et al. v. City of Albuquerque*

**COURTROOM CLERK:** K'Aun Wild

**COURT REPORTER:** Julie Goehl

**COURT IN SESSION:** 1:30 p.m.

**COURT IN RECESS:** 1:44 p.m.

**TYPE OF PROCEEDING:** Pretrial Conference

**COURT'S RULINGS/DISPOSITION:** see below

**ORDER CONSISTENT WITH COURT'S RULING TO BE PREPARED BY:** Court

**ATTORNEYS PRESENT FOR PLAINTIFF(S):** **ATTORNEYS PRESENT FOR DEFENDANT(S):**

Sam Bregman

Edward Bergmann (appearing telephonically)

Paul Livingston

Michael Garcia (appearing telephonically)

**PROCEEDINGS:**

**Court in Session:** 1:30 p.m.

**Court:** Calls case. Counsel enter appearances.

**Court:** Prepared to talk about trial, but would first like to learn where counsel are based on discussions at last hearing as to summary proceedings.

**Mr. Bregman:** Counsel are working to get stipulated facts together for submission of MSJs in lieu of trial. May wish some extension of deadlines Court has set out in prior orders, but parties have agreed no trial is needed. Need 10 more days to get stipulated facts to Court.

**Mr. Bergmann:** Agrees.

**Court:** Will allow 10 additional days for parties to submit stipulated facts - until 7/28; MSJ's to be filed on 8/28; responses due 9/11; replies due 9/25; hearing scheduled on 10/2/09 at 9:00 a.m. (backup to trial setting at this time). Vacates bench trial scheduled from 8/10 to 8/12.

Counsel indicate is acceptable.

**Mr. Bergmann:** Both sides agree that they might want to file briefs lengthier than rules allow -

not sure exact amount at present - requests be allowed to inform Court by agreement as to what additional length will be appropriate.

**Mr. Bregman:** Fine.

**Court:** Will likely go along with parties' agreement.

**Mr. Bergmann:** Not sure need to provide citations as to facts - asks if Court wants?

**Court:** Up to parties - will simply note are stipulated.

**Mr. Bregman:** Do not believe is necessary.

**Mr. Bergmann:** Fine.

**Court:** Do not need to provide citations as to stipulated facts.

**Court in recess: 1:44 p.m.**